

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

UNITED STATES OF AMERICA

v.

NO.: **2:08 cr 073**

(1) SHAWN E. PASS,

18 U.S.C. §2 **JUDGE FROST**

18 U.S.C. §1343

(2) THOMAS A. MUNDELL,
aka Jason,
aka Tim Jackson,

18 U.S.C. §1956(a)(1)(A)(i)

18 U.S.C. §1956(h)

(3) JOY J. FREEMAN

21 U.S.C. §841(a)(1)

21 U.S.C. §841(b)(1)(A)(ii)

21 U.S.C. §841(b)(1)(B)(iii)

21 U.S.C. §841(b)(1)(C)

21 U.S.C. §841(b)(1)(D)

21 U.S.C. §856(a)(2)

21 U.S.C. §846

I N D I C T M E N T

THE GRAND JURY CHARGES:

COUNT 1

From at least 1998 through and including the date of indictment, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio, and elsewhere, **SHAWN E. PASS and THOMAS A. MUNDELL, aka Jason, aka Tim Jackson**, the defendants, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and with diverse other persons, both known and unknown to the Grand Jury, to distribute and possess with intent to distribute five kilograms or more of a

mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(A)(ii); five grams or more of a mixture or substance containing a detectable amount of cocaine base, commonly referred to as crack, a Schedule II controlled substance, in violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(B)(iii); and marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(D).

In violation of 21 U.S.C. §846.

COUNT 2

On or about December 19, 2006, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS**, the defendant, did knowingly and intentionally unlawfully distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(C).

COUNT 3

On or about January 10, 2007, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS**, the defendant, did knowingly and intentionally unlawfully distribute marijuana, a Schedule I controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(D).

COUNT 4

On or about January 12, 2007, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS**, the defendant, did knowingly and intentionally unlawfully distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(C).

COUNT 5

On or about January 31, 2007, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS and THOMAS A. MUNDELL, aka Jason, aka Tim Jackson**, the defendants, did knowingly and intentionally unlawfully distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(C) and 18 U.S.C. §2.

COUNT 6

In January 2007, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio, the defendant, **THOMAS A. MUNDELL, aka Jason, aka Tim Jackson**, as lessee, did knowingly and intentionally rent, manage, control and make available for use, a place, that is 1441 Myrtle St., Columbus, Ohio, for the purpose of distributing and storing cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §856(a)(2) and 18 U.S.C. §2.

COUNT 7

In August and September 2007, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio, the defendant, **THOMAS A. MUNDELL, aka Jason, aka Tim Jackson**, as lessee, did knowingly and intentionally rent, manage, control and make available for use, a place, that is 2366 McGuffey Rd., Columbus, Ohio, for the purpose of distributing and storing cocaine and cocaine base, commonly referred to as crack, Schedule II controlled substances.

In violation of 21 U.S.C. §856(a)(2) and 18 U.S.C. §2.

COUNT 8

On or about August 10, 2007, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS**, the defendant, did knowingly and intentionally unlawfully distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(C).

COUNT 9

On or about September 7, 2007, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS**, the defendant, did knowingly and intentionally unlawfully distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(C).

COUNT 10

On or about September 7, 2007, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS and THOMAS MUNDELL, aka Jason, aka Tim Jackson**, the defendants, did knowingly and intentionally unlawfully distribute a mixture or substance containing five grams or more of a detectable amount of cocaine base, a Schedule II controlled substance.

In violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(B)(iii) and 18 U.S.C. §2.

COUNT 11

During the months of August and September 2007, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio, the defendants, **JOY J. FREEMAN**, as mortgagee, and **SHAWN E. PASS**, as an occupant, did knowingly and intentionally manage, control and make available for use, a place, that is 5290 Port Haven, Lewis Center, Ohio, for the purpose of manufacturing, distributing and storing cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance.

In violation of 21 U.S.C. §856(a)(2) and 18 U.S.C. §2.

COUNT 12

A. PURPOSE OF THE SCHEME AND ARTIFICE TO DEFRAUD

1. Beginning in May 2004, continuing through and including the date of the Indictment, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio and elsewhere, the defendants, **SHAWN E. PASS** and **JOY J. FREEMAN**, as well as others both known and unknown to the Grand Jury, having devised a scheme or artifice to defraud and to obtain monies by means of false and fraudulent pretenses (hereafter referred to as a scheme or

artifice to defraud) from Country Wide Home Loans, Inc; America's Wholesale Lender; MILA, Inc.; Litton Loan Service; and BNC Mortgage, Inc., caused writings, signs and signals to be transmitted by wire in interstate commerce, in the form of transmissions by means of a facsimile machine (hereafter referred to as a fax) and wire transfers of monies from one financial institution to another.

B. THE SCHEME AND ARTIFICE TO DEFRAUD

2. It was a part of the scheme and artifice to defraud that in May 2004, **SHAWN E. PASS and JOY J. FREEMAN** decided to purchase 5290 Port Haven Drive, Galena, Ohio, as their personal residence and place the residence in the name of **JOY J. FREEMAN**.

3. It was further part of the scheme and artifice to defraud that on May 3, 2004, **JOY J. FREEMAN** entered into an agreement with Duffy Homes, Inc., to purchase 5290 Port Haven Drive for \$432,000.

4. It was further part of the scheme and artifice to defraud that **JOY J. FREEMAN** applied to Country Wide Home Loans Inc., in Plano, Texas, through a mortgage broker in Columbus, Ohio, for a loan to finance the purchase of 5290 Port Haven Drive, Galena, Ohio.

5. It was further part of the scheme and artifice to defraud that **JOY J. FREEMAN** falsified the uniform residential

loan application, which was faxed from Columbus, Ohio, to Country Wide Home Loans, Inc., in Plano, Texas, in order to qualify for said loan by inflating the gross income she received from her employer Bank One.

6. It was further part of the scheme and artifice to defraud that as a result of said false loan application **JOY J. FREEMAN** received a loan of \$367,200 from Country Wide Home Loans, Inc., to purchase 5290 Port Haven Drive, Galena, Ohio. The loan was processed through America's Wholesale Lender.

7. It was further part of the scheme and artifice to defraud that on or about August 24, 2005, **JOY J. FREEMAN** transferred one-half interest in the property known as 5290 Port Haven Drive, Galena, Ohio, to **SHAWN E. PASS**, pursuant to a quit claim deed.

8. It was further part of the scheme and artifice to defraud that in August 2005, **SHAWN E. PASS** and **JOY J. FREEMAN** applied to MILA Inc., in Mountlake Terrace, Washington, through a mortgage broker in Columbus, Ohio, for a loan in order to refinance 5290 Port Haven Drive, Galena, Ohio.

9. It was further part of the scheme and artifice to defraud that **SHAWN E. PASS** and **JOY J. FREEMAN** falsified the uniform residential loan application, which was sent to MILA, Inc., through a mortgage broker in Columbus, Ohio, in order to

qualify for said loan, by inflating the gross income they received from their respective businesses and/or employers.

10. It was further part of the scheme and artifice to defraud that as a result of said false loan application, **SHAWN E. PASS and JOY J. FREEMAN** received a loan of \$426,000 from MILA, Inc., to re-finance 5290 Port Haven Drive, Galena, Ohio.

11. It was further part of the scheme and artifice to defraud that from the re-financing of 5290 Port Haven Drive in August 2005, **SHAWN E. PASS and JOY J. FREEMAN** received \$36,488.74 which was deposited into the JP Morgan Chase checking account of **JOY J. FREEMAN** by wire transfer.

12. It was further part of the scheme and artifice to defraud that in September 2006 **JOY J. FREEMAN** applied to BNC Mortgage, Inc., for a loan in order to refinance 5290 Port Haven Drive, Galena, Ohio for a second time.

13. It was further part of the scheme and artifice to defraud that on or about October 25, 2006, **SHAWN E. PASS** transferred his half-interest in 5290 Port Haven Drive, Galena, Ohio by quit claim deed back to **JOY J. FREEMAN**.

14. It was further part of the scheme and artifice to defraud that **JOY J. FREEMAN** falsified the uniform residential loan application, which was sent by fax to BNC Mortgage, Inc., through a mortgage broker in Columbus, Ohio, in order to qualify

for said loan, by inflating the gross income she received from her employers.

15. It was further part of the scheme and artifice to defraud that as a result of said false loan application, **JOY J. FREEMAN** received a loan of \$479,750 from BNC Mortgage, Inc., to re-finance 5290 Port Haven Drive, Galena, Ohio.

16. It was further part of the scheme and artifice to defraud that from the re-financing of 5290 Port Haven Drive in October 2006, **JOY J. FREEMAN** received \$34,700.01 which was deposited into her JP Morgan Chase checking account by wire transfer.

17. It was further part of the scheme and artifice to defraud that **JOY J. FREEMAN** failed to make the monthly payments required under the terms of the mortgage with BNC Mortgage, Inc.

18. It was further part of the scheme and artifice to defraud that, in March 2007, **JOY J. FREEMAN** filed for federal protection with the United States Bankruptcy Court, resulting in the discharge of her debt and the non-payment of the loan to BNC Mortgage, Inc.

C. THE WIRE COMMUNICATION

19. On or about May 13, 2004, the exact date being unknown to the Grand Jury, defendants, **SHAWN E. PASS and JOY J. FREEMAN**, for the purpose of executing said scheme and artifice to defraud, did cause a writing, sign, and signal to be transmitted by means of wire communication in interstate commerce, that is a uniform residential loan application which was sent by means of a facsimile machine from Columbus, Ohio to Countrywide Home Loans, Inc., in Plano, Texas.

In violation of 18 U.S.C. §1343 and 18 U.S.C. §2.

COUNT 13

1. Each and every allegation in paragraphs 1 through 18 of Count 12 of the Indictment is realleged and incorporated herein.

2. On or about August 29, 2005, the exact date being unknown to the Grand Jury, defendants, **SHAWN E. PASS and JOY J. FREEMAN**, for the purpose of executing said scheme to defraud, did cause a writing, sign, and signal to be transmitted by means of wire communication in interstate commerce, that is a wire transfer of funds from MILA Inc. in Mountlake Terrace, Washington, to the Bank One/JP Morgan Chase bank account of Nations Title Agency of Ohio, Inc., in Columbus, Ohio.

In violation of 18 U.S.C. §1343 and 18 U.S.C. §2.

COUNT 14

On or about August 30, 2005, the exact date being unknown to the Grand Jury, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS and JOY J. FREEMAN**, the defendants, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, causing a wire transfer in the amount of \$36,488.74 to be sent by Nations Title Agency of Ohio to the checking account of **JOY J. FREEMAN** at JP Morgan Chase bank, which wire transfer involved the proceeds of a specified unlawful activity, that is wire fraud, in violation of 18 U.S.C. §1343, and conspiracy to commit wire fraud, in violation of 18 U.S.C. §371, with the intent to promote the carrying on of said specified unlawful activities, and that while conducting and attempting to conduct such financial transaction, the defendants, **SHAWN E. PASS and JOY J. FREEMAN**, knew that the property involved in the financial transaction, that is the \$36,488.74 which was wired into **JOY J. FREEMAN's** account at JP Morgan Chase Bank, represented the proceeds of some form of unlawful activity.

In violation of 18 U.S.C. §1956(a)(1)(A)(i) and §2.

COUNT 15

1. Each and every allegation in paragraphs 1 through 18 of Count 12 of the Indictment is realleged and incorporated herein.

2. On or about October 2, 2006, the exact date being unknown to the Grand Jury, defendants, **SHAWN E. PASS and JOY J. FREEMAN**, for the purpose of executing said scheme to defraud, did cause a writing, sign, and signal to be transmitted by means of wire communication in interstate commerce, that is a uniform residential loan application which was sent by means of a facsimile machine from Columbus, Ohio to BNC Mortgage, Inc., in Irvine, California.

In violation of 18 U.S.C. §1343 and 18 U.S.C. §2.

COUNT 16

On or about October 30, 2006, the exact date being unknown to the Grand Jury, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS and JOY J. FREEMAN**, the defendants, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, causing a wire transfer in the amount of \$34,700.01 to be sent by World Class Title Agency of Ohio to the checking account of **JOY J. FREEMAN** at JP Morgan Chase bank, which wire transfer involved the proceeds of a specified unlawful activity, that is wire

fraud, in violation of 18 U.S.C. §1343, and conspiracy to commit wire fraud, in violation of 18 U.S.C. §371, with the intent to promote the carrying on of said specified unlawful activities, and that while conducting and attempting to conduct such financial transaction, the defendants, **SHAWN E. PASS and JOY J. FREEMAN**, knew that the property involved in the financial transaction, that is the \$34,700.01 which was wired into **JOY J. FREEMAN's** account at JP Morgan Chase Bank, represented the proceeds of some form of unlawful activity.

In violation of 18 U.S.C. §1956(a)(1)(A)(i) and §2.

COUNT 17

From at least March 2003, through and including the date of indictment, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio and elsewhere, **SHAWN E. PASS and JOY J. FREEMAN**, the defendants, did knowingly and intentionally unlawfully combine, conspire, confederate and agree with other persons, both known and unknown to the Grand Jury,

(a) to knowingly and willfully conduct financial transactions affecting interstate commerce, which involved the proceeds of a specified unlawful activity, that is,

(i) wire fraud, in violation of 18 U.S.C. §1343;

(ii) conspiracy to commit wire fraud, in violation of 18 U.S.C. §371;

(iii) conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, Schedule II controlled substances, and marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §846; and

(iv) the distribution and possession with intent to distribute cocaine, cocaine base and marijuana, Schedule II and I controlled substances, in violation of 21 U.S.C. §841(a)(1),

with the intent to promote the carrying on of at least one of said specified unlawful activities, and that while conducting and attempting to conduct said financial transactions, the defendants knew that the properties involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. §1956(a)(1)(A)(i).

(b) to knowingly and willfully conduct financial transactions affecting interstate commerce, which involved the proceeds of a specified unlawful activity, that is,

(i) wire fraud, in violation of 18 U.S.C. §1343;

(ii) conspiracy to commit wire fraud, in violation of 18 U.S.C. §371;

(iii) conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, Schedule II controlled substances, and marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §846; and

(iv) the distribution and possession with intent to distribute cocaine, cocaine base and marijuana, Schedule II and I controlled substances, in violation of 21 U.S.C. §841(a)(1),

knowing these financial transactions were designed in whole or in part to conceal or disguise the nature, the source or the ownership of the proceeds of at least one of said specified unlawful activities, and that while conducting and attempting to conduct said financial transactions, the defendants knew that the properties involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. §1956(a)(1)(B)(i).

A. OBJECTIVES OF THE CONSPIRACY

It was part of the conspiracy that **SHAWN E. PASS** would obtain substantial amounts of U.S. currency from the sale of cocaine, cocaine base (commonly referred to as crack) and marijuana.

It was further part of the conspiracy that **SHAWN E. PASS** directed at least one of his customers to deliver monies to **JOY J. FREEMAN** which were payments for cocaine previously sold to said customer.

It was further part of the conspiracy that **SHAWN E. PASS** directed **JOY J. FREEMAN** to deliver monies in payment for cocaine previously fronted to him by one of his sources of supply.

It was further part of the conspiracy that **SHAWN E. PASS** would conceal the monies he earned from the sale of cocaine,

cocaine base (commonly referred to as crack) and marijuana by acquiring and/or maintaining assets in the name of nominees, including his co-defendant, **JOY J. FREEMAN**.

It was further part of the conspiracy that **SHAWN E. PASS** would utilize at least a portion of his drug proceeds to acquire and operate a bar/nightclub at 2467 E. Dublin Granville Rd., Columbus, Ohio, in the name of his corporation, Braylen's Inc.

It was further part of the conspiracy that **SHAWN E. PASS** would claim his step-father's Ohio lottery winnings in 1999 as a source of funding for his personal expenditures, acquisition of assets and acquisition/operation of his business Braylen's Inc., dba as a bar known as Obvious/Obvious Night Life, when, in fact, the monies for said expenditures were actually derived from the sale of illegal drugs.

It was further part of the conspiracy that **SHAWN E. PASS and JOY J. FREEMAN** purchased a residence at 5290 Port Haven Drive, Galena, Ohio, in the name of **JOY J. FREEMAN**, utilizing monies derived by **SHAWN E. PASS** from his drug proceeds.

It was further part of the conspiracy that in the application to obtain the initial mortgage for their residence at 5290 Port Haven Drive, Galena, Ohio, **JOY J. FREEMAN** provided false information about her income in order to (1) qualify for the mortgage and (2) disguise the fact that the monies they were utilizing for the down payment; future mortgage payments; and to

support their lifestyle were derived, at least in part, from the sale of cocaine, cocaine base (commonly referred to as crack) and marijuana.

It was further part of the conspiracy that **SHAWN E. PASS and JOY J. FREEMAN** would re-finance the mortgage on 5290 Port Haven Drive, Galena, Ohio, in order to obtain cash to support their lifestyle and the operation of the bar known as the Obvious/ Obvious Night Life.

It was further part of the conspiracy that in the applications to re-finance the mortgage on 5290 Port Have Drive, Galena, Ohio, **SHAWN E. PASS and JOY J. FREEMAN** provided false information about their income in order to (1) qualify for the re-financing and (2) disguise the fact that the monies they were utilizing to support their lifestyle were derived, at least in part, from the sale of cocaine, cocaine base (commonly referred to as crack) and marijuana.

It was further part of the conspiracy that following the second re-financing of the mortgage on 5290 Port Haven Drive, Galena, Ohio, **SHAWN E. PASS and JOY J. FREEMAN** did not make the monthly payments due the mortgage company.

B. OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among many others, were committed in the Southern District of Ohio, and elsewhere:

1. On or about March 25, 2003, the exact date being unknown to the Grand Jury, **SHAWN E. PASS** purchased a 2001 Tracker boat from Paul's Marina, utilizing a cashier's check drawn on the bank account of TRF Properties, Inc.

2. On or about August 21, 2003, the exact date being unknown to the Grand Jury, **SHAWN E. PASS** and another person known to the Grand Jury, incorporated a business known as Braylen's, Inc.

3. On or about January 27, 2004, the exact date being unknown to the Grand Jury, **SHAWN E. PASS**, as president of Braylen's Inc., signed an agreement to purchase a business located at 2467 E. Dublin Granville Rd. for \$110,000, to be paid as follows: \$5,000 upon execution of the agreement; \$70,000 in escrow within 30 days of execution of said agreement; and the remaining \$35,000 in monthly installments over a 36 month period.

4. On or about February 18, 2004, the exact date being unknown to the Grand Jury, **SHAWN E. PASS** signed an affidavit, for submission to the State of Ohio Department of Liquor Control for a liquor license, in which he claimed the \$5000 down payment for the bar located at 2467 E. Dublin-Granville Rd. came from monies

he had accumulated from his employment over the past several years and the \$70,000 escrow payment was borrowed from his mother.

5. On or about January 31, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** reported \$24,513 in W-2 income from her employment with the State of Ohio on her federal income tax return for the calendar year 2003.

6. On or about May 3, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** entered into an agreement with Duffy Homes, Inc., to purchase 5290 Port Haven Drive, Galena, Ohio.

7. On or about May 3, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** utilized a check drawn on her personal checking account at National City Bank in the amount of \$8,640 for the down payment for the purchase of 5290 Port Haven Drive, Galena, Ohio.

8. On or about May 6, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** signed a uniform residential loan application indicating she was employed by Bank One and earned a gross income of \$6,800.

9. On or about May 13, 2004, the exact date being unknown to the Grand Jury, said uniform residential loan application, signed by **JOY J. FREEMAN** and described in overt act #8, was sent

by fax transmission by a mortgage broker in Columbus, Ohio, to Countrywide Home Loans, Inc., in Plano, Texas.

10. On or about May 20, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** brought two cashiers checks, totaling \$70,000, to the closing of 5290 Port Haven Drive, Galena, Ohio, in payment of the \$69,892.99 due on the purchase of said property.

11. On June 10, 2004, the exact date being unknown to the Grand Jury, a general warranty deed transferring 5290 Port Haven Drive, Galena, Ohio, to **JOY J. FREEMAN** was filed with Delaware County Recorder's Officer, as was a mortgage in the amount of \$367,200 payable to America's Wholesale Lender.

12. On or about July 14, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

13. On or about September 13, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,419.55 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

14. On or about October 15, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of

\$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

15. On or about November 15, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

16. On or about December 14, 2004, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

17. On or about December 14, 2004, the exact date being unknown to the Grand Jury, **SHAWN E. PASS** signed the 60 day warranty checklist/inspection of 5290 Port Haven Drive as "homeowner".

18. On or about January 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

19. On or about February 4, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** reported \$28,611 in W-2

wages from her employment at Banc One as her sole source of income on her federal income tax return for the calendar year 2004.

20. On or about February 14, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

21. On or about May 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,420 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

22. On or about June 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made two payments of \$1,700 each to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

23. On or about July 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made two payments, one in the amount of \$1,369 and one in the amount of \$2000, to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

24. On or about August 8, 2005, the exact date being unknown to the Grand Jury, **SHAWN E. PASS and JOY J. FREEMAN** applied for a \$426,000 loan with MILA Inc. to refinance 5290 Port Haven Drive, Galena, Ohio.

25. On or about August 8, 2005, the exact date being unknown to the Grand Jury, in the uniform residential loan application to refinance 5290 Port Haven Drive, Galena, Ohio, **SHAWN E. PASS** stated he received monthly income of \$7,200 from two businesses he owned: Braylen's Inc. and Best Home Remodeling.

26. On or about August 8, 2005, the exact date being unknown to the Grand Jury, in the uniform residential loan application to refinance 5290 Port Haven Drive, Galena, Ohio, **JOY J. FREEMAN** stated she received monthly income of \$5,800 from her employment at Bank One/Chase.

27. On or about August 8, 2005, the exact date being unknown to the Grand Jury, the loan application of **SHAWN E. PASS and JOY J. FREEMAN**, described in overt acts #25 and #26, was transmitted from a mortgage broker in Columbus, Ohio, to MILA, Inc., in Mountlake Terrace, Washington.

28. On or about August 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made two payments, one in the amount of \$2,000 and one in the amount of \$1,368, to Countrywide Home Loans, Inc., Lancaster, California, by means of

a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

29. On or about August 29, 2005, the exact date being unknown to the Grand Jury, **SHAWN E. PASS and JOY J. FREEMAN** received a loan from MILA, Inc., in the amount of \$426,000, \$373,239.26 of which was used to pay the prior mortgage on said property with Country Wide Mortgage.

30. On or about August 29, 2005, the exact date being unknown to the grand jury, **SHAWN E. PASS and JOY J. FREEMAN** received \$36,488.74 of the loan proceeds from MILA, Inc., which were wire transferred by Nations Title Agency of Ohio into the JP Morgan Chase checking account (#657184735) of **JOY J. FREEMAN** on August 29, 2005.

31. On or about August 24, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** executed a quit claim deed transferring one-half ownership in 5290 Port Haven Drive, Columbus, Ohio to **SHAWN E. PASS**.

32. On or about August 31, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$7,000 in U.S. currency from her JP Morgan Chase checking account (#657184735).

33. On or about September 1, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$7,000 in U.S. currency from her JP Morgan Chase checking account (#657184735).

34. On or about September 6, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$7,000 in U.S. currency from her JP Morgan Chase checking account (#657184735).

35. On or about September 7, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$7,000 in U.S. currency from her JP Morgan Chase checking account (#657184735).

36. On or about September 9, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$6,000 in U.S. currency from her JP Morgan Chase checking account (#657184735).

37. On or about September 19, 2005, a mortgage in the amount of \$426,000 was filed by MILA, Inc., 6021 244th St. SW, Mountlake Terrace, Washington, with the Delaware County Recorder's Office on 5290 Port Have Drive, Galena, Ohio, in the name of **SHAWN E. PASS and JOY J. FREEMAN**.

38. On or about October 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

39. On or about November 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,834.19 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

40. On or about December 15, 2005, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Countrywide Home Loans, Inc., Lancaster, California, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

41. On or about January 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,834 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

42. On or about February 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Gahanna, Ohio.

43. On or about March 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

44. On or about April 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire

transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

45. On or about May 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

46. On or about June 2, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** reported \$23,147 as her total W-2 income from the State of Ohio (\$3,293) and First USA Management, aka Bank One (\$19,854) on her federal income tax return for the calendar year 2005.

47. On or about June 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Columbus, Ohio.

48. On or about July 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Gahanna, Ohio.

49. On or about August 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of

\$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Westerville, Ohio.

50. On or about September 16, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** made a payment of \$2,835 to Litton Mortgage, Houston, Texas, by means of a wire transfer of U.S. currency through Western Union Financial Services from Gahanna, Ohio.

51. On or about September 30, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** applied for a loan with BNC Mortgage, Inc. to refinance 5290 Port Haven Drive, Galena, Ohio.

52. On or about September 30, 2006, **JOY J. FREEMAN** signed a uniform residential loan application seeking to re-finance 5290 Port Haven Drive, Galena, Ohio. In that application, **JOY J. FREEMAN** indicated she had base employment income of \$12,000 per month from her employment with the State of Ohio and other income of \$4,500 per month from her work as general manager of Obvious Night Life.

53. On or about October 2, 2006, the exact date being unknown to the Grand Jury, the loan application of **JOY J. FREEMAN**, described in overt act #52, was transmitted by fax from a mortgage broker in Columbus, Ohio, to BNC Mortgage, Inc., in Irvine, California.

54. On or about October 25, 2006, the exact date being unknown, **JOY J. FREEMAN** signed a certification, which was sent to BNC Mortgage, Inc., in Irvine California, in which **JOY J. FREEMAN** certified that she received \$16,500 in monthly income.

55. On or about October 25, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** received a loan from BNC Mortgage Inc., in the amount of \$479,750, of which 431,586.40 of which was used to pay the prior mortgage on said property to Litton Loan Service.

56. On or about October 25, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** received \$34,700.01 of the loan proceeds from BNC Mortgage, Inc., which were wire transferred by World Class Title Agency of Ohio into the JP Morgan Chase checking account (#657184735) of **JOY J. FREEMAN** on October 30, 2006.

57. On or about October 30, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$5000 by writing a check made payable to herself from her JP Morgan Chase checking account (#657184735).

58. On or about November 1, 2006, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** withdrew \$21,007 from her JP Morgan Chase checking account (#657184735), \$16,000 of which was in U.S. currency.

59. On or about November 2, 2006, the exact date being unknown to the Grand Jury, **SHAWN E. PASS** executed a quit claim deed transferring his half-interest in 5290 Port Haven Drive, Galena, Ohio to **JOY J. FREEMAN**.

60. On or about November 2, 2006, a mortgage in the amount of \$479,750 was filed by BNC Mortgage, Inc., Irvine, California, with the Delaware County Recorder's Office on 5290 Port Have Drive, Galena, Ohio, in the name of **JOY J. FREEMAN**.

61. On or about November 28, 2006, **SHAWN E. PASS** advised a Revenue Officer with the Internal Revenue Service that he had no income for the years 2001 through 2004 and that he did not receive enough income from the operation of Braylen's Inc., doing business as Club Obvious, to be required to file a federal income tax return for the years 2005 and 2006.

62. On or about February 1, 2007, **JOY J. FREEMAN** collected \$1,000 in U.S. currency from a cocaine customer of **SHAWN E. PASS**.

63. On or about February 2, 2007, the exact date being unknown, **JOY J. FREEMAN** reported total income of \$29,475 on her federal income tax return for the calendar year 2006. Of that \$29,475, \$26,963 was reported as W-2 wages from the State of Ohio and \$2,512 were reported as a pension distribution. No income was reported from any work with Obvious Night Life, Braylen's Inc. and/or Club Obvious.

64. On or about February 13, 2007, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** filed an amended tax return for the calendar year 2005, reporting \$11,660 in additional income from gambling, offset by the same amount in gambling losses.

65. On or about March 7, 2007, the exact date being unknown to the Grand Jury, **JOY J. FREEMAN** filed for financial protection with the U.S. Bankruptcy Court. In that filing, **JOY J. FREEMAN** reported her monthly gross wages as \$2,809.73 from her employment with the State of Ohio. No other sources of income were listed.

66. On or about June 26, 2007, **JOY J. FREEMAN's** debt with BNC Mortgage, Inc., was discharged by the U.S. Bankruptcy Court.

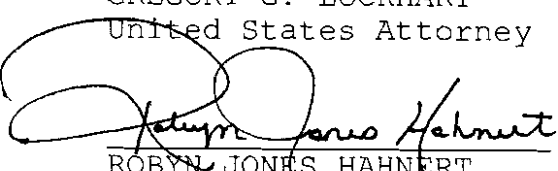
In violation of 18 U.S.C. §1956(h).

A True Bill

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GRAND JURY FOREPERSON

GREGORY G. LOCKHART
United States Attorney



ROBYN JONES HAHNERT
Assistant United States Attorney